

9/20/16



MICHAEL N. FEUER, City Attorney (SBN 11529x) [No fee – Gov’t Code 6103]
THOMAS H. PETERS, Chief Assistant City Attorney (SBN 163383)
SCOTT MARCUS, Senior Assistant City Attorney (SBN 184980)
GERALD M. SATO, Deputy City Attorney (SBN 82780)
200 N. Main Street, Rm. 675, 6th Floor
Los Angeles, CA 90012-4129
Telephone (213) 978-7563
Facsimile (213) 978-7011
Email: *Gerald.Sato@lacity.org*

Attorneys for Respondent CITY OF LOS ANGELES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

CYNTHIA ANDERSON-BARKER,

Petitioner,

CITY OF LOS ANGELES.

Respondent.

CASE NO. BS 159845

Assigned to the Hon. Carolyn O'Donnell
Judge of the Superior Court
Department 86

**DECLARATION OF GERALD M. SATO IN
OPPOSITION TO PETITION FOR WRIT OF
MANDATE**

**Date: October 19, 2016
Time: 9:30 a.m.
Department 86**

Petition for Writ of Mandate filed January 27, 2016

J. Gerald M. Sato, declare:

1. I am a Deputy City Attorney assigned to represent the City of Los Angeles in this action. I have personal knowledge of the following facts and, if called as a witness, could and would testify competently thereto.

- 1
2. I am advised by the Office of the City Clerk of Los Angeles that petitioner
2 submitted a CPRA request for various documents purporting to be within the
3 possession of the Los Angeles Department of Transportation. The Office of
4 the City Clerk responded by advising petitioner that she should make the
5 request to the Los Angeles Department of Transportation to the attention of
6 CPRA processing. The petitioner states in her Declaration filed with the
7 moving papers that she sent the letter identified as Exhibit A on her
8 “Administrative Record” directly to the “General Manager, Seleta Reynolds,
9 City of Los Angeles Department of Transportation” on December 15, 2015
10 requesting disclosure of nine (9) categories of documents, without any request
11 for redactions. Whether it was because the correspondence was directed to the
12 General Manager, or apparently sent by e-mail to an attorney having no
13 connection to the present dispute, the LADOT did not respond. No one saw
14 Exhibit A until after the present action was commenced.
- 15
- 16 3. It appeared to me that several categories of documents constituted “public
17 records”, and the City has produced several cases of responsive documents
18 amounting to many thousands of page (amusingly described as “some
19 documents” in the Declaration of Donald Cook).
- 20
- 21 4. I did receive a telephone call from Donald Cook regarding an October 7, 1996
22 Memorandum referenced in one of the produced documents as a past policy. I
23 did not believe that the past policy was encompassed by any of the categories
24 described in Ms. Anderson-Barker’s December 15, 2015 letter or her petition,
25 but I agreed to inquire as to its existence anyway. Upon information and belief,
26 after a diligent search conducted at my request, the City does not have
27 possession, custody, or control of the memorandum
- 28

1 5. Mr. Cook has mentioned to me in conversation and communicated to me by
2 letter his belief that petitioner is entitled to categories of documents not
3 mentioned in either Ms. Anderson-Barker's December 15, 2015 letter or the
4 petition for writ of mandate, specifically, to "information" which he believes
5 not to be exempt from disclosure which would appear in "redacted" CHP 180
6 forms, and VIIC documents which have already been adjudicated not to be in
7 the possession of the City of Los Angeles. I did tell him that the City would
8 not create redacted documents or disclose data over which the City is not in
9 possession. For the reasons stated in the memorandum of points and authorities
10 filed herewith, the City does not believe it should be ordered to produced CHP
11 180 documents, regardless of whether the documents may be redacted, or VIIC
12 data, which has already been adjudicated in one of Donald Cook's other writ of
13 mandate proceedings to be not in the possession of the City of Los Angeles for
14 purposes of CPRA.

15
16 I declare under penalty of perjury that the above is true and correct. Executed on
17 September 19, 2016 at Los Angeles, California.

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GERALD M. SATO

PROOF OF SERVICE

I declare that I am and was at all times herein mentioned over the age of eighteen years and not a party to the action in which this service is made; that at all times herein mentioned I have been employed in the County of Los Angeles and that my business address is 200 No. Main Street, Room 675, CHE, Los Angeles, California 90012.

On September 19, 2016, I served the following document(s) described as:

**DECLARATION OF GERALD SATO IN OPPOSITION TO PETITION
FOR WRIT OF MANDATE**

- BY U.S. MAIL** – placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing. It is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid addressed as follows:

**Donald W. Cook, Esq.
3435 Wilshire Boulevard, Suite 2910
Los Angeles, CA 90010**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 19, 2016, at Los Angeles, California.

Jerry Lee
TERRY LEE